

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**APRIL SHARON WICKE**  
21604 Burke Road  
Smartsville, CA 95977

Registered Nurse License No. 200296

Respondent

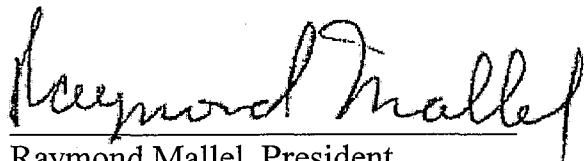
Case No. 2012-742

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 9, 2013.**

IT IS SO ORDERED **March 9, 2013.**

A handwritten signature in black ink, reading "Raymond Mallel". The signature is fluid and cursive, with the first name "Raymond" and last name "Mallel" clearly distinguishable.

Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
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Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

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9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

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Case No. 2012-742

13 **APRIL SHARON WICKE**

14 **21604 Burke Road**  
**Smartsville, CA 95977**  
**Registered Nurse License No. 200296**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Respondent.

16  
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public  
18 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
19 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which  
20 will be submitted to the Board for approval and adoption as the final disposition of the  
21 Accusation.

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
24 Registered Nursing. She brought this action solely in her official capacity and is represented in  
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Anahita S.  
26 Crawford, Deputy Attorney General.

27 2. April Sharon Wicke (Respondent) is representing herself in this proceeding and has  
28 chosen not to exercise her right to be represented by counsel.

3. On or about July 31, 1969, the Board of Registered Nursing issued Registered Nurse License No. 200296 to April Sharon Wicke (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-742 and will expire on November 30, 2012, unless renewed.

## JURISDICTION

4. Accusation No. 2012-742 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 15, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-742 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-742. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 2012-742, if proven at a hearing, constitute cause for imposing discipline upon her Registered Nurse License.

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9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

## RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
2 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
3 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
4 executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
6 the Board may, without further notice or formal proceeding, issue and enter the following Order:

7 **ORDER**

8 IT IS HEREBY ORDERED that Registered Nurse License No. 200296, issued to  
9 Respondent April Sharon Wicke, is surrendered and accepted by the Board of Registered  
10 Nursing.

11 1. The surrender of Respondent's Registered Nurse License and the acceptance of the  
12 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
13 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
14 license history with the Board of Registered Nursing.

15 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as  
16 of the effective date of the Board's Decision and Order.

17 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
18 issued, her wall certificate on or before the effective date of the Decision and Order.

19 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
20 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
21 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
22 effect at the time the petition is filed, and all of the charges and allegations contained in  
23 Accusation No. 2012-742 shall be deemed to be true, correct and admitted by Respondent when  
24 the Board determines whether to grant or deny the petition.

25 5. If and when Respondent's license is reinstated, she shall pay to the Board costs  
26 associated with its investigation and enforcement pursuant to Business and Professions Code  
27 section 125.3 in the amount of \$1,365.00. Respondent shall be permitted to pay these costs in a  
28

1 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the  
2 Board from reducing the amount of cost recovery upon reinstatement of the license.

3 6. If Respondent should ever apply or reapply for a new license or certification, or  
4 petition for reinstatement of a license, by any other health care licensing agency in the State of  
5 California, all of the charges and allegations contained in Accusation, No. 2012-742 shall be  
6 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
7 Issues or any other proceeding seeking to deny or restrict licensure.

8 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)  
9 years from the effective date of the Board of Registered Nursing's Decision and Order.

10 ACCEPTANCE

11 I have carefully read the Stipulated Surrender of License and Order. I understand the  
12 stipulation and the effect it will have on my Registered Nurse License. I enter into this  
13 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
14 be bound by the Decision and Order of the Board of Registered Nursing.

15  
16 DATED: 10/31/12

  
17 APRIL SHARON WICKE  
18 Respondent

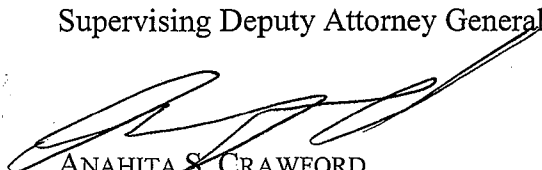
19 ENDORSEMENT

20 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
21 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

22 Dated: 12/10/12

Respectfully submitted,

23 KAMALA D. HARRIS  
24 Attorney General of California  
25 JANICE K. LACHMAN  
26 Supervising Deputy Attorney General

  
27 ANAHITA S. CRAWFORD  
28 Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 2012-742**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
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21604 Burke Road  
14 Smartsville, CA 95977  
Registered Nurse License No. 200296

**A C C U S A T I O N**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about July 31, 1969, the Board issued Registered Nurse License Number  
23 200296 to April Sharon Wicke ("Respondent"). The registered nurse license was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on November 30, 2012,  
25 unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an



1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the  
11 following:

12 (1) Incompetence, or gross negligence in carrying out usual certified or  
13 licensed nursing functions.

#### 14 REGULATORY PROVISIONS

15 6. California Code of Regulations, title 16, section 1443, states:

16 As used in Section 2761 of the code, 'incompetence' means the lack of  
17 possession of or the failure to exercise that degree of learning, skill, care and  
18 experience ordinarily possessed and exercised by a competent registered nurse as  
19 described in Section 1443.5.

#### 20 COST RECOVERY

21 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

#### 25 BACKGROUND

26 8. On April 24, 2008, Respondent was assigned to Patient A, and during the medication  
27 pass, Respondent discovered that the medication cart did not contain any Dilantin, an  
28 anticonvulsant medication for Patient A, to be given to the patient at bedtime each night. As a  
result, Respondent did not administer Dilantin. Respondent telephoned the pharmacy and  
followed up with a facsimile notifying the pharmacy that Patient A needed a refill of the

1 medication. Respondent did not contact the patient's physician or the Director of Nurses to notify  
2 them of the inability to administer the medication

3 9. On April 29, 2008, Respondent was again assigned to Patient A and discovered that  
4 the Dilantin was once again missing from the medication cart. As a result, Respondent did not  
5 administer the Dilantin. Respondent contacted the pharmacy to investigate the status of the  
6 Dilantin. Respondent did not contact the patient's physician or the Director of Nurses to notify  
7 them of the inability to administer the medication.

8 10. On April 30, 2008, Patient A suffered a grand mal seizure and was transported by  
9 ambulance to the emergency room at Sierra Nevada Memorial Hospital. There it was discovered  
10 that Patient A's Dilantin level was low, which was determined to be the cause of the seizure.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Incompetence)**

13 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),  
14 on the grounds of unprofessional conduct, in that on April 29, 2008, while on duty as a registered  
15 nurse at Meadow View Manor, Grass Valley, California, and caring for Patient A, Respondent  
16 committed acts that constitute incompetence as defined in California Code of Regulations, title  
17 16, section 1443, by failing to notify Patient A's physician and the Director of Nurses when  
18 Respondent discovered that Patient A had not received her needed anticonvulsant medication for  
19 5 evenings. Further, Respondent failed to notify the Director of Nurses regarding the pharmacy's  
20 failure to deliver the medication timely.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
24 the grounds of unprofessional conduct, as more particularly set forth in paragraph 11, above.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:  
28

1        1.    Revoking or suspending Registered Nurse License Number 200296, issued to April  
2 Sharon Wicke;

3        2.    Ordering April Sharon Wicke to pay the Board of Registered Nursing the reasonable  
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
5 Code section 125.3; and,

6        3.    Taking such other and further action as deemed necessary and proper.  
7  
8

9  
10 DATED:

June 15, 2012

for

*Louise R. Bailey*

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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